

1, 1924, and in part on or about March 13, 1924, and transported from the State of New York into the State of Connecticut, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Contents 1 Lb."

Examination of the article by the Bureau of Chemistry of this department showed that the jars containing the said article contained less than 1 pound thereof.

Misbranding of the article was alleged in the libel for the reason that the labels bore the statement "Contents 1 Lb.," which statement was false and misleading and deceived and misled the purchaser, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 12, 1924, James P. Smith & Co., New York, N. Y., having appeared as claimant for the property, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond, in conformity with section 10 of the act.

W. M. JARDINE, *Secretary of Agriculture.*

13049. Misbranding of sulfured oats. U. S. v. 300 Sacks of Sulfured Oats. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 18671. I. S. No. 18051-v. S. No. C-4385.)

On May 15, 1924, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 300 sacks of sulfured oats, remaining in the original unbroken packages at Hazlehurst, Miss., alleging that the article had been shipped by John Wade & Sons, from Memphis, Tenn., May 2, 1924, and transported from the State of Tennessee into the State of Mississippi, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "White Oats Sulphurized John Wade & Sons, Memphis, Tenn."

Misbranding of the article was alleged in the libel for the reason that the designation "White Oats," appearing in the labeling, was false and misleading and deceived and misled the purchaser, in that the said product was an admixture consisting of wild oats, barley, rye, chaff, and dirt and added foreign material. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On August 20, 1924, the Merchants Grocery Co., Hazlehurst, Miss., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,711.20, in conformity with section 10 of the act, conditioned in part that the said product be relabeled, "Diamond W. Sulphurized Oats and Screenings," under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

13050. Adulteration of canned strawberries. U. S. v. 182 Cases and 51 Cases of Canned Strawberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19205. I. S. Nos. 19115-v, 19116-v. S. No. C-4545.)

On November 25, 1924, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 233 cases of canned strawberries, at Chicago, Ill., alleging that the article had been shipped by the Graves Canning Co., Inc., from Woodburn, Oreg., July 2, 1923, and transported from the State of Oregon into the State of Illinois, and charging adulteration in violation of the food and drugs act. A portion of the article was labeled in part: (Can) "Graves Standard Strawberries * * * Packed by Graves Canning Co., Inc., Sheridan, Oregon." The remainder of the said article was labeled in part: (Can) "Richland Choice Strawberries * * * Oregon Growers Cooperative Assn. Salem, Oregon."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On February 3, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*